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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Antonio MARQUEZ,** Defendant	Magistrate Docket No. '07 MJ 2572
	COMPLAINT FOR VIOLATION OF:
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **October 29, 2007** within the Southern District of California, defendant, **Jose Antonio MARQUEZ,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **31st** DAY OF **October, 2007**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

JPME

CONTINUATION OF COMPLAINT:
Jose Antonio MARQUEZ

PROBABLE CAUSE STATEMENT

On October 29, 2007, Border Patrol Agent C. De La Torre was performing her assigned duties in the Campo Station area of operations. At approximately 11:45 a.m., Agent De La Torre responded to a call by the San Diego Sheriffs Department. They were requesting Border Patrol assistance in an area near Pine Boulevard in Pine Valley, California. This area is located approximately ten miles east of the Tecate, California Port of Entry and approximately thirteen miles north of the United States/Mexico International Border. Agent De La Torre proceeded to the location and made contact with a Sheriffs officer who stated that two subjects were walking the side of the road. He also stated they did not speak English and did not have any valid identification and might need to be interviewed by the Border Patrol.

Agent De La Torre approached the individuals and identified herself as a U.S. Border Patrol Agent and began to question each subject, including one later identified as the defendant **Jose Antonio MARQUEZ** as to their immigration status. Both subjects stated that they were citizens and nationals of Mexico without any documents allowing them to enter or remain legally in the United States. The defendant and the other individual were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 5, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.